

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DERIC RAY SHERMAN,

Defendant.

CR 21-24-BU-DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto's Findings & Recommendation Concerning Plea. (Doc. 89.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Sherman is charged by Superseding Information with one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1). (Doc. 68.) Judge DeSoto recommends that this Court accept Sherman's guilty plea as to this charge, after he appeared before her pursuant to Federal Rule

of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 89) is ADOPTED in full.

IT IS FURTHER ORDERED that Sherman's motion to change plea (Doc. 64) is GRANTED and he is adjudged guilty as charged in the Superseding Information.

DATED this 9th day of August, 2022.



Dana L. Christensen, District Judge
United States District Court